



3762
41

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Seim, et al. Examiner: Bockelman, M.
Serial No.: 09/827,775 Group Art Unit: 3762
Filed: 04/06/2001 Docket No.: GUID.006US01
Title: METHOD AND APPARATUS FOR INHIBITING ATRIAL
TACHYARRHYTHMIA THERAPY

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence and the papers, as described hereinabove, are being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on Aug 07, 2004

8/27/2004

By: Kelly S. Waltigney
Kelly S. Waltigney

RESPONSE TO EXAMINER'S COMMUNICATION
CONCERNING APPLICANT'S RESPONSE TO FIRST OFFICIAL ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED
SEP 03 2004
TECHNOLOGY CENTER R3700

Dear Sir:

In response to the official communication dated July 27, 2004, please consider the following remarks. No amendments to the claims are presented herewith. Authorization is hereby given to charge **Deposit Account 50-0996 (GUID.006US01)** all requisite fees incurred by this response, if any, and authorization is given to charge/credit necessary fees/overages to Deposit Account No. 50-0996 (GUID.006US01) as required by this filing.

In the official communication, the Examiner contends that Applicant's reply filed on May 5, 2004 was not fully responsive to the prior Office Action. The Examiner contends that Applicant has not pointed out where support is found for a newly added limitation directed to an atrial arrhythmia threshold. The Examiner further requests that Applicant identify support for new claim 34 regarding a comparison of atrial and ventricular rates.

In response to the Examiner's request, Applicant respectfully draws the Examiner's attention to representative portions of Applicant's disclosure that provide the requisite support for the features discussed on page 2 of the Examiner's official

communication. Concerning the added feature of inhibiting delivery of atrial therapy if the average atrial rate “exceeds an atrial arrhythmia threshold,” Applicant makes reference to the representative text presented on page 15, line 5 through page 16, line 3. Particular reference is made to lines 16, 18, 22, and 27 on page 15, and the illustrative example of an atrial arrhythmia threshold shown as an SVT threshold in Figure 6.

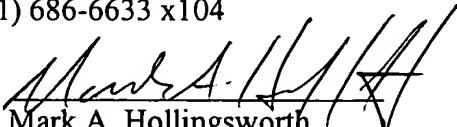
Concerning the feature of atrial and ventricular rate comparison in new claim 34, attention is drawn to the representative embodiment of Figure 3, in which atrial and ventricular rates are calculated, and a check is made to determine if the ratio of A:V rates indicates presence of 1:1 rhythms. Full support for the comparison feature recited in claim 34 may be found, for example, on page 11, line 5 though page 12, line 6, with particular reference to lines 23-29 on page 11.

Applicant respectfully disagrees with the Examiner’s contentions regarding lack of support for Applicant’s claim amendments and certain features of new claim 34 for at least the reasons set forth hereinabove. Applicant contends that the pending and new claims fully comply with the requirements of 35 U.S.C. § 112, and that the claimed subject matter is found in the drawings where required.

It is believed that the pending and new claims are in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicant’s Representatives, at the below-listed telephone number, if there are any questions regarding the above new claims or if prosecution of this application may be assisted thereby.

Respectfully submitted,
Crawford Maunu PLLC
1270 Northland Drive, Suite 390
St. Paul, MN 55120
(651) 686-6633 x104

By:


Mark A. Hollingsworth
Reg. No. 38,491

Date: August 27, 2004

MAH/kam